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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/894,389

06/28/2001

Michael Epstein

US 010313

6444

24737

7590

04/21/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

ZAND, KAMBIZ

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,389

Applicant(s)

EPSTEIN, MICHAEL

Examiner

Kambiz Zand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 11-15, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 5-10 and 16-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

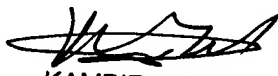
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/01/2202 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claim 1 has been cancelled.
4. Claims 2, 5-7, 11-13, 16-17 and 21-22 have been amended.
5. Claims 2-22 are pending.

Response to Arguments

6. Applicant's arguments filed 03/03/2006 have been fully considered but they are persuasive only in the light of amendment made to claim 5 and 16 and their limitations after the amendment. Therefore rejections of claims 5 and 6 and their dependent claims 6-10 and 17-20 have been withdrawn (see allowability subject matter below).

Claim Rejections - 35 USC § 103

7. **Claims 2, 11, 12, 13, 21 and 22** are rejected under 35 U.S.C. 103(a) as being anticipated by Evans et al (WO 01/01316 A2) recited in applicant's IDS filed on 11/22/2002.

As per claims 12 and 22 Evans et al (WO 01/01316 A2) teach an apparatus, method for receiving, protecting and storing material, said apparatus, method (see title on page 1; line 1 on page 5) comprising: receiving/means for receiving material in an unprotected form from a remote source (see page 24, lines 25-30), and generating a damaged version of the material and store a damaged version of the material while determining the authorization (see page 24, lines 25-30 or fig.8, block 806; page 5, lines 3-10 where examiner considers the encrypted software as damaged content since without the decryption key is not usable; and wherein the generation of the damaged version of applicant's corresponds to encryption generation of the software; fig.4 and associated text; see fig.8 block 808 where the verifier accept the payment and sending the decryption key for the protected material; examiner considers the accepting of the payment as determination of authorization and sending the decrypted key as authorization for processing the protected material), and repair the damaged version of the material to form a repaired version of the material after the verifier determines the authorization (the repair is being done by decrypting the encrypted content as disclosed on page 5, lines 3-25). Also see the entire reference for different variation of content protections under the same analogy that is providing a damage content (encrypted, scrambled, watermarked, etc.) to the client (user, client, server, entity, etc) and upon authorization (user authorization, payment authorization, license verification, etc.) repair the damage content by a decrypting key or descrambler key, etc.. to a usable content and where the downloading of the content or storing of the protected content

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is being done while the authorization is in process or before that process. Although Evans not clearly discloses that the receiving apparatus is the one apparatus that damage and repair the received material, however Evans as is teaching such a process disclosed above. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Evan's encryption and decryption of the received material within the receiving system in order to reduce the processing time and the cost related to using the plurality of the services as a desired design choice where such intended use have been disclosed as above (**A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art if prior art has the capability to do so perform (See MPEP 2114 and Ex Parte Masham, 2 USPQ2d 1647 (1987)).**

As per claims 2 and 13 Evans et al (WO 01/01316 A2) teach the apparatus and the method of claims 22 and 12, wherein the verifier determines the authorization based on a verification of a presence of an entirety of a data set corresponding to the material (see page 5, lines 1-24; page 20, lines 8-12 and page 10, lines 10-14).

As per claims 11 and 21 Evans et al (WO 01/01316 A2) teach the apparatus and the method of claims 22 and 12, wherein said apparatus further comprises: means for rendering the material while the verifier is determining the authorization (see fig.8 and associated text).

8. **Claims 3-4 and 14-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al (WO 01/01316 A2) in view of Boebert et al (5,502,766).

As per claims 3 and 14 Evans et al (WO 01/01316 A2) teach the security system and the method of claims 22 and 12, but do not disclose explicitly the gate is further storing means stores the damaged version on a removable media. However Boebert et al (5,502,766) disclose storing the damaged version on a removable media (see abstract; fig.3 and associated text). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Ebert's removable medium in evan's software distribution system and method in order to provide a data enclave for securing data carried on a removable storage units (see col.5, lines 39-43).

As per claims 4 and 15 Evans et al (WO 01/01316 A2) teach the security system and the method of claims 22 and 12, wherein store the damaged version, and store the repaired version in a permanent storage device as applied to claim 22 and 12

above but do not disclose storing the damaged version in a temporary storage device. However Ebert et al (5,502,766) disclose storing the damaged version in a temporary storage device (see fig.3 and associated text). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Ebert's removable medium in evan's software distribution system and method in order to provide a data enclave for securing data carried on a removable storage units (see col.5, lines 39-43).

Allowable Subject Matter

9. **Claims 5-10 and 16-20** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

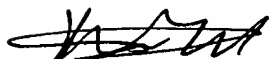
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned are 571-272-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KAMBIZ ZAND
PRIMARY EXAMINER

04/18/2006

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